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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,242	02/09/2004	Hong-Jik Doo	956-1001	7168
38209	7590	12/02/2005		
STANZIONE & KIM, LLP 919 18TH STREET, N.W. SUITE 440 WASHINGTON, DC 20006			EXAMINER WILLIAMS, KENNETH C	
			ART UNIT 3739	PAPER NUMBER

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,242

Applicant(s)

DOO, HONG-JIK

Examiner

Kenneth C. Williams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/29/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "820a" and "830a" have both been used to designate connection links in Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: elements 520 and 520a are not shown in Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
 - a. Paragraph 0031, line 2, "comfiguration" should be changed to --configuration--.
 - b. Paragraph 0048, line 1, "simply" should be changed to --simple--.
 - c. Paragraph 0070, line 1, "instrument to pressurize" should be changed to read --instrument is used to pressurize--.

Appropriate correction is required.

Claim Objections

4. Claims 1,2 are objected to because of the following informalities:
 - a. Claim 1, line 5, "moving forward and backward a therapy director" should be changed to read --moves forward and backward, a therapy director--.
 - b. Claim 2, line 1 is claiming dependence on Claim 2.
 - c. Claim 8 lacks antecedent basis for "the thermotherapy system".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 3 recites the limitation "by covering with a leather" in line 11 of the claim. What are you covering with leather? It is unclear exactly what is covered with leather.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1,2,4,8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S. Patent No. 6656138) in view of Lloyd (U.S. Patent No. 6431086).

- a. In regards to Claim 1, Kim discloses a personal thermotherapy instrument attached to a frame comprising "an upper therapy mat on which a spinal corrector moving forward and backward a therapy director having a roller or

pressure bead type shape member is installed, and a lower therapy mat on which a foot pressure plate is installed" (See Kim column 3, lines 22-35). Kim does not disclose "a collapsible folding type frame fastened and fixed as one body to a lower part of the thermotherapy instrument". Attention is directed to the Lloyd reference, which provides a pertinent solution to providing a portable therapy bed, discloses a collapsible frame (See Lloyd Figure 1; see also column 2, lines 28-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim with the teaching of Lloyd to provide an easily storable thermotherapy instrument.

b. In regards to Claim 2, Kim in view of Lloyd discloses a personal thermotherapy instrument (See Claim 1 Rejection). Kim further discloses "a separation unit to externally expose the spinal corrector and the foot pressure plate provided on the folding type frame" (See Kim column 3, lines 19-35).

c. In regards to Claim 4, Kim in view of Lloyd discloses a personal thermotherapy instrument (See Claim 1 Rejection). Kim does not disclose "a middle frame" and "an upper and a lower frame". Attention is directed the Lloyd reference which provides a pertinent solution to providing a portable therapy table, discloses a collapsible frame containing upper, middle and lower frames (See Lloyd Figure 2, elements 22, 24 and 36; see also column 2, lines 28-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim with the teaching of Lloyd to provide a more structurally stable personal thermotherapy instrument.

d. In regards to Claim 8, Kim in view of Lloyd discloses a personal thermotherapy instrument (See Claim 4 Rejection). Kim does not disclose, "the middle frame and the fold legs are provided with a connection link there between". Attention is directed to the Lloyd reference, which provides a pertinent solution to providing a portable therapy table, discloses a connection link between the middle frame and the fold legs (See Lloyd Figure 2; see also column 2, line 66 –column 3, line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim with the teaching of Lloyd to provide a more structurally stable personal thermotherapy instrument.

e. In regards to Claim 10, Kim discloses a personal thermotherapy instrument comprising first and second therapy components (See Kim Figure 3, elements 300 and 400; see also column 3, lines 19-35). Kim does not disclose "a folding part and first and second frames rotatably connected to the folding part and moving between a folding state and an unfolded state with respect to the folding part". Attention is directed to the Lloyd reference which provides a pertinent solution to providing a portable therapy table, discloses a collapsible frame containing first and second frames (See Lloyd Figure 1, elements 22 and 24; see also column 2, lines 28-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim with the teaching of Lloyd to provide an easily storable thermotherapy instrument.

f. In regards to Claim 11, Kim in view of Lloyd discloses a personal thermotherapy instrument (See Claim 10 Rejection). Kim further discloses, "the

first and second therapy component are a spinal corrector and a foot pressure plate" (See Kim Figure 3, elements 300 and 400; see also column 3, lines 19-35).

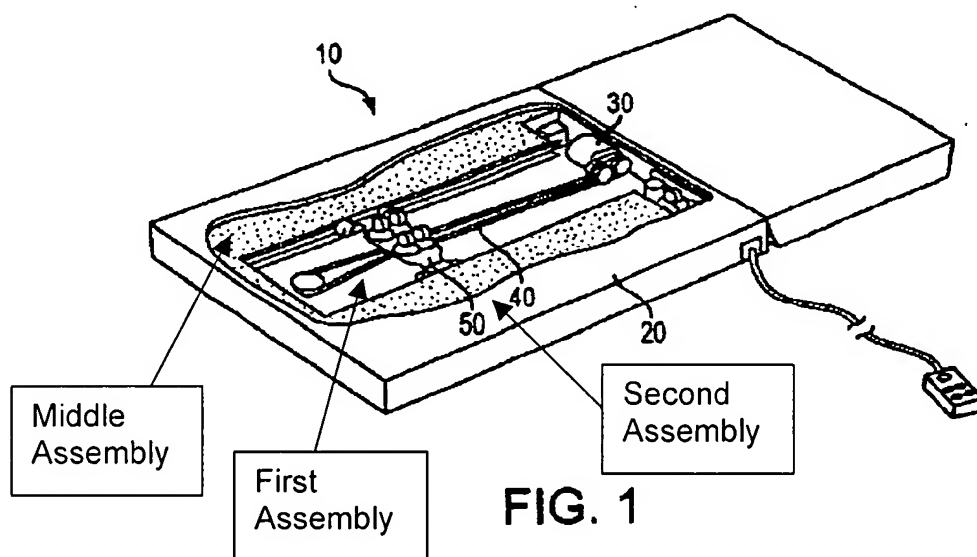
g. In regards to Claim 12, Kim in view of Lloyd discloses a personal thermotherapy instrument (See Claim 10 Rejection). Kim does not disclose "the first and second frames comprise first and second legs rotatably mounted on the first and second frames, respectively, and moving between first and second positions when the first and second frames move between the folding state and the unfolded state". Attention is directed to the Lloyd reference which provides a pertinent solution to providing a portable therapy table, discloses a collapsible frame containing first and second frames comprising first and second legs rotatably mounted (See Lloyd column 2, lines 28-38 and column 3, lines 26-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim with the teaching of Lloyd to provide an easily storable thermotherapy instrument.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S. Patent No. 6656138) in view of Lloyd (U.S. Patent No. 6431086) as applied to claim 2 above, and further in view of Grady et al. (U.S. Patent No. 5974979).

In regards to Claim 3, Kim in view of Lloyd discloses a personal thermotherapy instrument (See Claim 2 Rejection). Kim further discloses "first assemblies having a base plate", "middle assemblies each provided with electric field parts to cover the spinal corrector and the foot pressure plate" and "second assemblies combined as one body with an upper part of the middle assemblies" (See below Kim Figures 1 and 6a).

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Kim does not disclose "by covering with a leather, a surface of urethane". Attention is directed to the Grady et al. reference, which provides a pertinent solution to providing a portable therapy table, discloses the use of leather to cover the top section (See Grady et al. column 5, lines 52-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim in view of Lloyd with the teaching of Grady et al. to provide an adequate covering for a personal thermotherapy device.



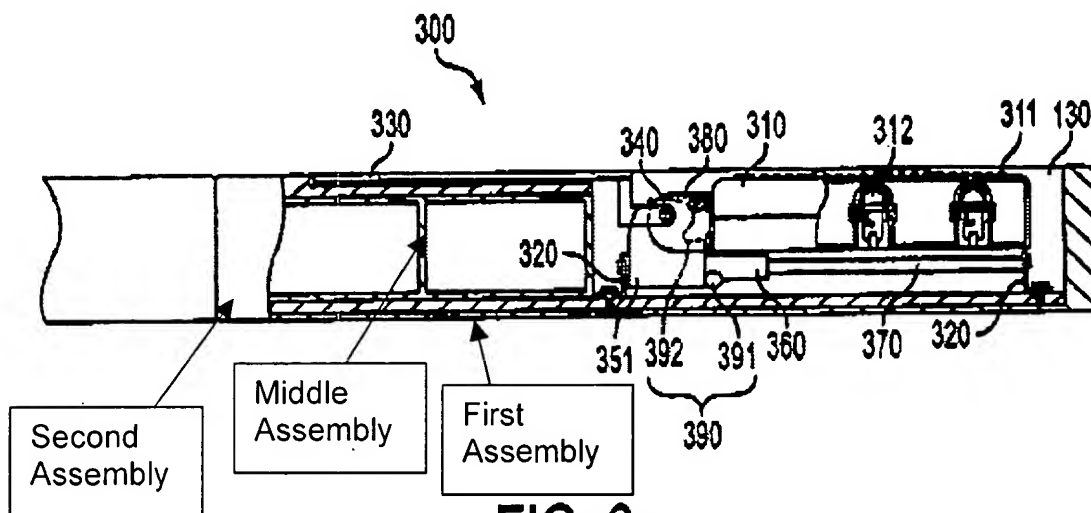


FIG. 6a

12. Claims 6,7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S. Patent No. 6656138) in view of Lloyd (U.S. Patent No. 6431086) as applied to claim 4 above, and further in view of Grant (U.S. Patent No. 5283919).

a. In regards to Claim 6, Kim in view of Lloyd discloses a thermotherapy instrument (See Claim 4 Rejection). Kim in view of Lloyd does not disclose “a stop pin” and “a stop hook”. Attention is directed to the Grant reference, which provides a pertinent solution to providing a portable therapy table, discloses a pin and hook lock on a collapsible patient bed (See below Grant Figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim in view of Lloyd with the teaching of Grant to provide an adequate locking means to prevent unintentional unfolding the thermotherapy instrument.

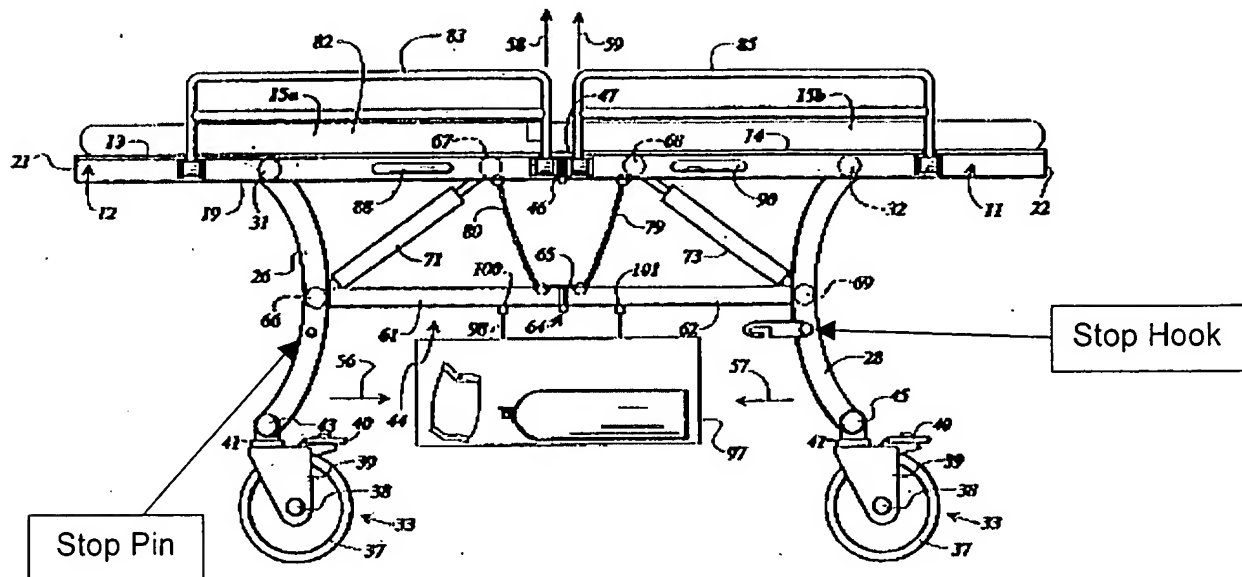


FIG 2

b. In regards to Claim 7, Kim in view of Lloyd discloses a personal thermotherapy instrument (See Claim 4 Rejection). Kim in view of Lloyd does not disclose, "the folding part is provided with a hand danger preventing plate formed on an outer side". Attention is directed to the Grant reference, which provides a pertinent solution to providing a portable therapy table, discloses handles that prevent hand dangers (See Grant column 5, lines 16-32). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim in view of Lloyd with the teaching of Grant to provide a handle means to prevent unintentional hand dangers when folding or unfolding the thermotherapy instrument.

c. In regards to Claim 9, Kim in view of Lloyd discloses a personal thermotherapy instrument (See Claim 4 Rejection). Kim in view of Lloyd does not disclose, "the hand danger preventing plate and the folding part are provided

with an insertion flute formed in a side thereof, and the insertion flute has an insertion of a folding preventing part". Attention is directed to the Grant reference, which provides a pertinent solution to providing a portable therapy table, discloses a stop plate and a locking means to prevent unintentional folding (See Grant column 3, line 45 – column 4, line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kim in view of Lloyd with the teaching of Grant to provide a means to prevent unintentional folding of the thermotherapy instrument.

Allowable Subject Matter

13. Claims 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

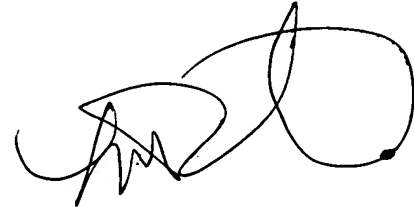
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth C. Williams whose telephone number is (571) 272-8161. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCW

A handwritten signature in black ink, appearing to read 'Linda C. M. Dvorak', with a large, stylized loop at the end.

**LINDA C. M. DVORAK
SUPERVISORY PATENT EXAMINER
GROUP 3700**